

PROB 12C
(6/16)

Report Date: April 4, 2023

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Apr 05, 2023

SEAN F. McAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Howard Eugene McCabe

Case Number: 0980 2:12CR06041-SAB-1

Address of Offender: [REDACTED] Kennewick, Washington 99336

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: February 7, 2013

Original Offense: Distribution of a Controlled Substance, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 90 months;
TSR - 48 months

Type of Supervision: Supervised Release

Amended Sentence: Prison - 84 months;
(03/02/2017) TSR - 48 monthsRevocation Sentence: Prison - 17 days;
(04/20/2022) TSR - 12 months

Asst. U.S. Attorney: Daniel H. Fruchter

Date Supervision Commenced: April 21, 2022

Defense Attorney: Nick Mirr

Date Supervision Expires: April 20, 2023

PETITIONING THE COURT

To issue a warrant.

On May 19, 2022, Mr. McCabe signed his Judgement in a Criminal Case stating that he understood he was required to refrain from using illegal controlled substances, comply with substance abuse treatment, and report to the probation office as directed. He was also referred to Merit Resource Services (Merit) for substance abuse treatment.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Special Condition #3:</u> You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.
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Supporting Evidence: Mr. McCabe is considered to be in violation of his conditions of supervised release by leaving inpatient treatment at American Behavioral Health Services (ABHS) against program advice on or about March 17, 2023.

Mr. McCabe was engaged in outpatient treatment at Merit Resource Services (Merit). He was discharged and referred to inpatient treatment at ABHS due to his inability to maintain abstinence in an outpatient setting. He entered inpatient residential treatment at ABHS on March 2, 2023.

Mr. McCabe left ABHS prior to the completion of his treatment program against program advice on or about March 15, 2023. Mr. McCabe reported to the probation office on April 3, 2023, and advised that he had left treatment prior the completing and been in the community for the last 2 weeks. Additionally, ABHS did not notify the undersigned officer of Mr. McCabe aborting treatment and a discharge report has been requested.

- 2 **Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court of the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: Mr. McCabe is considered to be in violation of his conditions of supervised release by not reporting to the probation office after leaving inpatient treatment as directed on or about March 17, 2023.

Mr. McCabe was admitted to inpatient treatment at ABHS on March 2, 2023. He was directed to report after release on multiple occasions. Mr. McCabe called the undersigned officer on March 15, 2023, to discuss his completion date of supervised release and he was reminded again to report after he releases from treatment.

Mr. McCabe reported to the probation office on April 3, 2023, and stated he had left treatment about 2 weeks prior. When asked why he did not report until now, Mr. McCabe stated he was overwhelmed and had a lot to do. He acknowledged that he knew he should have checked in after his release.

- 3 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. McCabe is considered to be in violation of his conditions of supervised release by using a controlled substance, methamphetamine, on or about March 31, 2023.

On April 3, 2023, Mr. McCabe reported to the probation office. He admitted to using methamphetamine on or about March 31, 2023. He signed a drug use admission form.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegation(s) contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 04/04/2023

s/Megan Rasmussen

Megan Rasmussen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

4/5/2023

Date